



Atty. Dkt. No. 085874-0381

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andreas BUOS *et al.*
Title: LOUDSPEAKER DRIVER
Appl. No.: 09/986,115
Filing Date: 11/7/2001
Examiner: Phylesha Larvinia Dabney
Art Unit: 2614
Confirmation No.: 4653

**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Supplemental Information Disclosure Statement ("Supplemental IDS"), which is being filed with a Request for Continued Examination (RCE), cures a recently discovered defect in the IDS filed on September 6, 2007 (the "Previous IDS"), which accompanied an Amendment responsive to the *final* rejection of June 6, 2007.

BACKGROUND

As explained in the RCE, the Previous IDS cited four published Japanese patent documents, which were reported to the undersigned as having been cited in an Office Action in Applicant's counterpart Japanese application. The Previous IDS contained the following statement about the timing of the disclosure:

The undersigned hereby states, in accordance with 37 C.F.R. §1.97(e)(1), that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

The undersigned was led to believe then that the statement was accurate, but subsequently learned, after this application had been allowed, that the Japanese Office Action citing these documents in fact was dated more than three months prior to the filing of the Previous IDS. This new information made it clear that the Previous IDS should not have contained this statement, and should have been filed with an RCE because the application was under final rejection. See 37 C.F.R. §§1.97(d) and 1.114(b), (c). Because of this technical defect, the documents submitted with the Previous IDS were not really eligible for consideration then.

This Supplemental IDS cures the defect by being filed with an RCE (which, as noted, should have been filed earlier), and by containing a proper statement about the timing of the disclosure. It is respectfully requested that the Office enter this Supplemental IDS; consider anew the documents submitted; indicate such consideration on the attached new form PTO/SB/08; and mail a new Notice of Allowance.

SUBMISSION AND RELEVANCE OF INFORMATION

Submitted herewith on Form PTO/SB/08 is a listing of the four published Japanese patent documents, which are being cited in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. §1.56. A copy of each listed document, along with an English translation thereof, is submitted herewith. None is a statutory bar. Relevance can be ascertained from the English translations.

The submission of these documents is not intended as an admission that any such document constitutes prior art against the claims of the present application or that any such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined by the Office to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 C.F.R. §1.97(b)(4) prior to the mailing of a first Office Action after the filing of the accompanying Request for Continued Examination (RCE) under 37 C.F.R. §1.114.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicants believe that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

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